

REMARKS

This Reply is in response to the Office Action mailed on every 4, 2008 in which claims 01-11, 16, 17, 19, 87, 88, 90-100, 105, 108-111, 113, 114 and 124-171 were rejected. With this response, claims 8, 9, 131 and 132 are canceled; claims 1, 124 and 171 are amended; and claims 172-178 are added. Claims 1-7, 10- 11, 16-17, 19, 87-88, 90-100, 105, 108-111, 113-114, 124-130, 133- 178 are presented for reconsideration and allowance.

I. Examiner Interview Summary

On March 26, 2008, a telephonic interview would tell between Examiner Reynolds and Applicants' attorney, Todd A. Rathe. It was tentatively agreed upon that the above amendment to claim several 1, 124 and 171 would overcome the rejection of such claims based upon each of Dalton US Patent 623818; Hammel US Patent 4123598 and the combination of Dalton US Patent 623818 and Hammel US Patent 4123598.

In addition, claim 176 (added with the response) was discussed. It was tentatively agreed upon that neither Dalton US Patent 623818 nor Hammel US Patent 4123598 discloses a packaging that seals about the batteries such that the batteries cannot be removed without damaging the packaging.

Applicants further noted that former claims 3, 87, 140, 169 and 172 did not appear to have been addressed in the Office Action and that neither Dalton US Patent 623818 nor Hammel US Patent 4123598 discloses their claim limitations. It was agreed upon that the next Office action would address the limitations of such claims and would be non-final in nature to allow Applicants an opportunity to respond.

Applicants gratefully thank the Examiner for the opportunity to discuss the claim rejections and for the Examiner suggestions for amending the claims overcome the rejections.

II. Rejection of claims 1-7, 9-11, 16, 17, 19, 87, 88, 90-100, 105, 108-111, 113, 114, 124-130, 132-153 and 155-169 under 35 USC 103(a) based upon Dalton

Section 7 of the Office Action rejected claims 1-7, 9-11, 16, 17, 19, 87, 88, 90-100, 105, 108-111, 113, 114, 124-130, 132-153 and 155-169 under 35 USC 103(a) as being unpatentable over Dalton US Patent 6238818. Claim 1 and 124 are amended per the Examiner Interview held on March 26, 2008. Support for the amendments may be found in at least Figure 4 and Paragraphs [0022] and [0023]. Thus, no new matter is believed to be added.

As noted above, during the Examiner Interview held on March 26, 2008, it was tentatively agreed upon that claims 1 and 124, as amended, overcome the rejection. In particular, Dalton fails to disclose the recited battery bundle, wherein the first battery and the second battery are electrically isolated from one another while within the packaging. Accordingly, claims 1 and 124, as amended, overcome the rejection based upon Dalton. Claims 2-7, 9-11, 16, 17, 19, 87, 88, 90-100, 105, 108-111, 113, 114, 125-130, 132-153 and 155-169 depend from claims 1 and 124 and overcome the rejection for at least the same reasons.

III. Rejection of claim number 171 under 35 USC 103(a) based upon Hammel

Section 8 of the Office Action rejected claim 171 under 35 USC 103(a) as being unpatentable over Hammel US Patent 4123598. Claim 171 is amended per the Examiner Interview held on March 26, 2008. Support for the amendment may be found in at least Figure 4 and Paragraphs [0022] and [0023]. Thus, no new matter is believed to be added.

As noted above, during the Examiner Interview held on March 26, 2008, it was tentatively agreed upon that claim 171, as amended, overcomes the rejection. In particular, Hammel fails to disclose the recited battery bundle, wherein the first battery and the second battery are electrically isolated from one another while within the packaging. Accordingly, claim 171, as amended, overcomes the rejection based upon Hammel.

IV. Rejection of claims 1-11, 16, 17, 19, 87, 88, 90-100, 105, 108-111, 113, 114, 124-141, 143-153 and 155-170 under 35 USC 103(a) based upon Hammel and Dalton

Section 9 of the Office Action rejected claims 1-11, 16, 17, 19, 87, 88, 90-100, 105, 108-111, 113, 114, 124-141, 143-153 and 155-170 under 35 USC 103(a) as being unpatentable over Hammel US Patent 4123598 in view of Dalton US Patent 6238818. As noted above, during the Examiner Interview held on March 26, 2008, it was tentatively agreed upon that claims 1 and 124, as amended, overcome the rejection. In particular, neither Hammel nor Dalton, alone or in combination, discloses the recited battery bundle, wherein the first battery and the second battery are electrically isolated from one another while within the packaging. Accordingly, claims 1 and 124, as amended, overcome the rejection based upon Hammel and Dalton. Claims 2-11, 16, 17, 19, 87, 88, 90-100, 105, 108-111, 113, 114, 125-141, 143-153 and 155-170 depend from claims 1 and 124 and overcome the rejection for at least the same reasons.

V. Added Claims

With this response, claims 172-178 are added. Claims 172-178 are believed to be patently distinct over the prior art of record.

A. Claim 172

Claim 172 constitutes former claim 3 rewritten in independent form including all of the limitations of former base claim 1. As noted above, the limitations of former claim 3 were not addressed in the previous Office Action. During the Examiner Interview, it was tentatively agreed upon that neither Dalton nor Hammel disclosed the limitations of former claim 3. Accordingly, claim 172 is presented for consideration and allowance.

B. Claim 173

Claim 173 constitutes former claim 140 rewritten in independent form including all of the limitations of former base claim 124. As noted above, the limitations of former claim 140 were

not addressed in the previous Office Action. During the Examiner Interview, it was tentatively agreed upon that neither Dalton nor Hammel disclosed the limitations of former claim 140. Accordingly, claim 173 is presented for consideration and allowance.

C. Claim 174

Claim 174 constitutes former claim 169 rewritten in independent form including all of the limitations of former base claim 124 and intervening claims 168. As noted above, the limitations of former claim 169 were not addressed in the previous Office Action. During the Examiner Interview, it was tentatively agreed upon that neither Dalton nor Hammel disclosed the limitations of former claim 169. Accordingly, claim 174 is presented for consideration and allowance.

D. Claim 175

Claim 174 constitutes former claim 170 rewritten in independent form including all of the limitations of former base claim 124. As noted above, the limitations of former claim 170 were not addressed in the previous Office Action. During the Examiner Interview, it was tentatively agreed upon that neither Dalton nor Hammel disclosed the limitations of former claim 170. Accordingly, claim 175 is presented for consideration and allowance.

E. Claim 176

Claim 176 recites a battery bundle comprising:

a first battery having a first outer surface with a first graphic;

a second battery substantially identical to the first battery in all respects except that the second battery has a second outer surface distinct from the first outer surface, the second outer surface having a second graphic distinct from the first graphic; and

a packaging binding the first battery and the second battery, wherein circumferential sides of each of the first battery and the second battery are exposed through the packaging to facilitate rotation of the first battery and a second battery while within the packaging, wherein the

packaging seals about the batteries such that the batteries cannot be removed without damaging the packaging.

The prior art of record fails to disclose a battery bundle of claim 76, wherein the packaging seals about the batteries such that the batteries cannot be removed without damaging the packaging.

As noted above, during the Examiner Interview held on March 20 6, 2008, was tentatively agreed upon that neither Dalton nor Hammel discloses such a battery bundle. Accordingly, claim 176 is presented for consideration and allowance.

F. Claim 177

Claim 177 depends from claim 176 and further recites that the packaging is formed entirely from one or more dielectric materials. Support for added claim 177 may be found in at least Paragraphs [0022] and [0023]. Thus, no new matter is believed to be added.

The prior art of record failed to disclose the claimed battery bundle, wherein the packaging is formed entirely from one or more dielectric materials. Accordingly, claim 177 is presented for consideration and allowance.

G. Claim 178

Claim 178 depends from claim 176 and further recites that the first battery and the second battery are electrically isolated from one another while within the packaging.

The prior art of record fails to disclose such a battery bundle, wherein the first battery and the second battery are electrically isolated from one another while within the packaging. As noted above, during the Examiner Interview held on March 20 6, 2008, was tentatively agreed upon that neither Dalton nor Hammel discloses such a battery bundle. Accordingly, claim 178 is presented for consideration and allowance.

VI. Conclusion

After amending the claims as set forth above, claims 1-7, 10- 11, 16-17, 19, 87-88, 90-100, 105, 108-111, 113-114, 124-130, 133- 178 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-3815. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3815. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-3815.

Respectfully submitted,

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